

REMARKS

The present invention is a card for removing a tick or blood sucking insect which is bitten into or bored down into the skin of a person or animal. The card in accordance with a preferred embodiment comprises a slit 36, 50 or 54 for use in removing the tick or insect. The card may be of a size corresponding to a credit card for keeping in a wallet, pocket or bag. The card is relatively stiff for permitting removal of the tick or the blood sucking insect and includes a corner area with the slit for removing the tick or the blood sucking insect.

The Applicant's representatives have checked the U.S. PTO website to review the file of the present application. It has been discovered by review of the filing receipt and the undersigned's filing records that the U.S. PTO file wrapper erroneously has a copy of WO 03/022094 as the specification of the present application which includes six figures of drawings.

The application filed by the undersigned is a Continuation of PCT/DK02/00598. A copy of the Continuation of PCT/DK02/00598 which is to be substituted for WO 03/022094 is submitted herewith along with a post card receipt.

The Substitute Specification submitted herewith, which is a revision of the continuation of PCT/DK02/00598, has been reformatted in accordance with the Examiner's request, including the addition of suitable headings where appropriate.

Claims 1-4 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite. Newly submitted claims 5-24 have been drafted to overcome the stated grounds of rejection.

Claims 3 and 4 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Newly submitted claims 5-24 have been drafted to overcome the stated grounds of rejection.

The Examiner has questioned the meaning of a "plaster". In the first place, as may be seen from Fig. 2, the "plaster" would be understood by a person of ordinary skill in the art from reading the specification and viewing the drawings, which are part of the written description, to be an adhesive bandage. Moreover, the term "plaster" is defined for example in the American Heritage Dictionary of the English Language, 4th Edition, as, *inter alia*, including "an adhesive bandage". See <http://dictionary.com/browse/plaster> where the foregoing definition may be found.

Accordingly, it is submitted that a person of ordinary skill in the art would understand the specification to contain a written description of the invention whether the specification solely refers to a "plaster" or, as it has been currently amended, to refer to a "plaster" or "adhesive bandage". Accordingly, the reference to an adhesive bandage in the newly submitted claims is supported with the written description in the current Substitute Specification and the original Continuation Application as filed. However, if the Examiner requires, the terminology "plaster" will be retained in the claims since regardless of whether the terminology of "plaster" or "adhesive bandage" is used, it means the same thing to a person of ordinary skill in the art.

Claims 3 and 4 stand rejected under 35 U.S.C. §112, first paragraph, as not being enabled. The remarks set forth above, which discuss the meaning of "plaster" in the specification and further, when consideration is given to Fig. 2 which illustrates an adhesive bandage or a plaster as defined in dictionaries, the specification is

enabling regarding the subject matter of claims 3 and 4 and corresponding claims within newly submitted claims 5-24 which refer to adhesive bandages.

Claims 1 and 2 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 5,704,847 (Glennon). These grounds of rejection are traversed for the following reasons with respect to the original claims and newly submitted claims 5-26.

Newly submitted claim 5 recites:

A card comprising:

a slit for use in removing a tick or blood sucking insect, which has bitten into or bored down into the skin of a person or an animal, the card being of a size corresponding to a credit card and for keeping in a wallet, pocket or bag, the card being relatively stiff for permitting removal of the tick or the blood sucking insect with the card and including a corner area with the slit, for removing the tick or the blood sucking insect, which has been bitten into or bored down into the skin of a person or an animal.

and newly submitted claim 14 recites:

A card comprising:

a corner area of the card with means for removing a tick or a blood sucking insect, which has bitten into or bored down into the skin of a person or an animal, the card being sized for keeping in a wallet, pocket or bag and being relatively stiff for permitting removal of the tick or the blood sucking insect with the means for removing.

Each of claims 5 and 14 and claims dependent therefrom recite subject matter which is not anticipated by Glennon. The Examiner's stated basis for the rejection is that the corner 10 of Glennon is provided with narrowing 13. However, even with such an interpretation in mind, claim 5 recites that the card includes a corner area with a slit for removing the tick or a blood sucking insect which has bitten into or bored

down into the skin of a person or animal. A person of ordinary skill in the art would not consider this subject matter to be met by the area 13 of Glennon.

The function of the area 13 in Glennon is to support the grip of the club off the ground when the club is extending vertically from the ground, This disclosure would not be considered by a person of ordinary skill in the art to be a corner area with a slit for removing a tick or a blood sucking insect which has bitten into or bored down into the skin of a person or animal.

Newly submitted dependent claims 6-13 define further aspects of the present invention which are also not anticipated by Glennon which include that the corner has a flexible finger which is provided with the slit at an outer end for removing the tick or the blood sucking insect as recited in claim 6, the card in one corner area is provided with the slit and the card has another corner area with the flexible finger which is provided with a slit at an outer end for removing the tick or the blood sucking insect as recited in claim 7, the card is provided with instructions on the front side for removing the tick or the blood sucking insect as recited in claims 8 and 10, the instructions also are for treating an area from which the tick or blood sucking insect was removed as recited in claims 9 and 11, and the card at the backside has film covered fields comprising a field containing a disinfecting tissue and a field containing an adhesive bandage as recited in claims 12 and 13.

Newly submitted claims 14-24 correspond to claims 5-13 except that the corner area in claim 14 is recited as comprising means for removing the tick or corresponding blood sucking insect and in claim 15 the means is recited as comprising a slit. Claims 14-24 are patentable for the same reasons as set forth above with respect to claims 5-13 not being anticipated by Glennon.

Claims 1 and 2 stand rejected under 35 U.S.C. §102 as being anticipated by United States Patent 5,645,500 (Borden). These grounds of rejection are traversed with respect to newly submitted claims 5-24.

The Examiner considers corner areas 10 of Borden as being provided with narrowings 30 and 60 which meet the limitations of claims 1 and 2.

Newly submitted claims 5-24 are not anticipated by Borden's golf tool since a person of ordinary skill in the art would not consider the golf tool as being used for the removal of ticks or blood sucking insects as recited in claims 5 and 14 and furthermore, would not meet the corresponding limitations of dependent claims 6-13 and 15-24.

The Examiner's prior art rejections are premised upon a slit in a golf tool, which is non-analogous art to the present invention, that pertains to tick and/or insect removal. It is submitted that the recitation of a slit for removing the tick or the corresponding blood sucking insect in claim 5 and the card including a corner area with means for removing the tick or the blood sucking insect as recited in claim 14, when properly construed to give weight to the recited function of removing the tick or blood sucking insect, does not anticipate the subject matter of these claims nor the claims dependent therefrom.

Moreover, a person of ordinary skill in the art would not consider modification of the Glennon and Borden patents without engaging in impermissible hindsight.

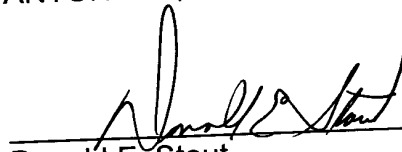
In view of the foregoing amendments and remarks, it is submitted that each of the claims in the application is in condition for allowance.

Accordingly, early allowance thereof is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 C.F.R. §1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 01-2135 (142.43482X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,

ANTONELLI, TERRY, STOUT & KRAUS, LLP

A handwritten signature in black ink, appearing to read "Donald E. Stout", is written over a horizontal line.

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Attachments

DES:dlh